
EAS
EXPRESS
Fatal System
ERROR
Private, nonprofit hospitals, which benefit from huge tax breaks, fail to care for the East Bay's poorest residents — and now one public hospital is on the verge of collapse.
By Sam Levin
In Loving Memory

CONTENTS

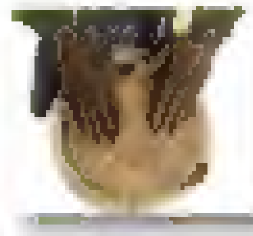
EAST BAY EXPRESS



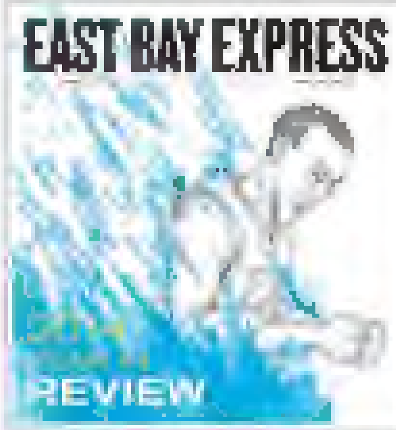








NEWS&OPINION



LETTERS

[illegible]

Delaware North Responds

In order to become the concessioner in Yosemite National Park in 1993, DNC Parks & Resorts at Yosemite, Inc. (DNC Yosemite) was required by the National Park Service (NPS) to buy the stock of the previous concessioner, Yosemite Park & Curry Co. (the Curry Company) at a price that was established in advance by the NPS. With that stock purchase, because DNC Yosemite then owned the company of the Curry Company, it also became the owner of all the assets, both tangible and intangible, of the Curry Company, and responsible for all of the liabilities of the Curry Company, which the Curry Company had accumulated since its inception in 1899.

The assets purchased included many significant structures, such as The Ahwahnee Hotel, Yosemite Lodge, and Curry Village, all of which had been built by the Curry Company with its own capital; operating assets such as the furniture, fixtures, boats, business systems, and other equipment used in the concession operation, all of which were purchased by the Curry Company with its own capital; and intangible assets such as the various registered place names operated under the concession contract, mailing lists, employee data, and policies and procedures, which were also accumulated over the years by the Curry Company. The liabilities that DNC Yosemite became responsible for included all of the operational liabilities associated with the concession operation and unlimited responsibility for the environmental cleanup required for contaminated sites, both numerous known sites that existed at the time and any unknown sites that might be discovered during the contract term.

As part of the concession contract for Yosemite that DNC Yosemite was awarded in connection with its acquisition of the Curry Company (1993 contract), DNC Yosemite waived many rights that existed for concessioners at the time relating to possessory interest (ownership of real property assets, such as The Ahwahnee) and a preferential right of contract renewal. For example, as part of the 1993 contract, DNC Yosemite relinquished title to real property assets owned by the Curry Company, which transferred to DNC Yosemite in the acquisition (The Ahwahnee Hotel, Yosemite Lodge, and Curry Village, etc.) and gave them to the American people over the life of the contract by returning ownership to the NPS. The elimination of these concession rights has now become a part of public law for national park concessions.

The 1993 contract did not provide for similar treatment for personal property assets such as fixtures, equipment, and intellectual property, and the 1993 contract calls for the general concessioner to be compensated for those assets at values identified in the contract. It is important to note that compensation is to be paid by a successor concessioner, not the American people. What DNC Yosemite is working through with the NPS now is a process to determine the appropriate valuation for those assets under the terms of the 1993 contract.

The NPS has long given recognition to the existence of intellectual property rights in concession contracts, independent of the physical asset associated with a concession operation. Examples include the names "The Ansel Adams Gallery" in Yosemite, "Verkamp's," a shop featuring Native-American made products previously operated in the Grand Canyon, and the logo for the Red Bus Tours in Glacier National Park, which the previous concessioner refused to sell to the successor. This resulted in the development of a new logo by the successor. The difference between the 1993 contract and contracts at Grand Canyon and Glacier National Park is that DNC Yosemite does not have a choice in the matter. At the expiration of the 1993 contract, if a new concessioner is chosen, DNC Yosemite is required to leave all the assets used in the business (furniture, fixtures, equipment and intellectual property) behind, and the successor concessioner — not the NPS or the American people — is required to buy them from DNC Yosemite at various values, as defined in the 1993 contract. That successor concessioner would then have the rights to use those assets in the new contract, with ownership rights in accordance with the terms of the new contract and other laws.

DNC Yosemite is proud of the service and stewardship it has provided in Yosemite National Park through its responsible management over the past twenty-plus years, which has contributed to the value of the assets that are used in its operations. DNC Yosemite is looking forward to the possibility of being awarded the next contract to provide visitor services in Yosemite National Park. In the meantime, DNC Yosemite will continue to work with the NPS to ensure a clear understanding of its obligations and rights under its 1993 contract.

[illegible], director of marketing, Delaware North at Yosemite

Delaware North Is Going to Lose

[illegible]

It's a Kidnapping

[illegible]

The Names Don't Belong to Delaware North

[illegible]

This Is Absurd

[illegible]

It Could Be Worse

[illegible]

Foreign Investors Are the Problem

[illegible]

What About All These Fees?

[illegible]

The Study Is a Waste of Money

[illegible]

Kill Switches Have a Downside

[illegible]

The Galleries Will Have to Adapt

[illegible]

House Flipping Is a Tax on the Rich

FIND THE EXPRESS

The Express is delivered to over 700 of locations throughout the East Bay on Wednesdays, including:

ALAMEDA

ALBANY

BERKELEY

EMERYVILLE

OAKLAND

RICHMOND/EL CERRITO

SAN LEANDRO



The Unpaid Taxes Are a Bigger Issue

I Can Vouch for Dr. Proctor

The Anesthesiologists Deserve Our Thanks

What Can We Do Next?

Police Are an Occupying Army

[illegible]

Our Leaders Are Incompetent

[illegible]

Steve's Market Rocks

[illegible]

Do the Right Thing, Cal

[illegible]

Let's Urge Congress to Address Climate Change

[illegible]

It's Time for Humane Eggs

[illegible]

An Ode to the Express

[illegible]

IT'S NOT THE HEAT, IT'S THE STUPIDITY

The new Congress may be the most boldly anti-science body since the time of the Scopes Monkey Trial.

OAKLAND COUNCIL THUMBS ITS NOSE AT VOTERS

The city council elected Lynette Gibson McElhaney to be its president despite her ethical transgressions and despite the fact that residents voted for tougher ethical standards in City Hall.

By Robert Gammon



Gibson McElhaney



Kalb








IN THE NAME OF LOVE
Sunday, Jan. 18, 2015, 7pm
Ms. Faye Carol, Linda Tillery,
Gina Breedlove, Melanie DeMore
510-858-5313


CHOP
Salon
Discounts always available!

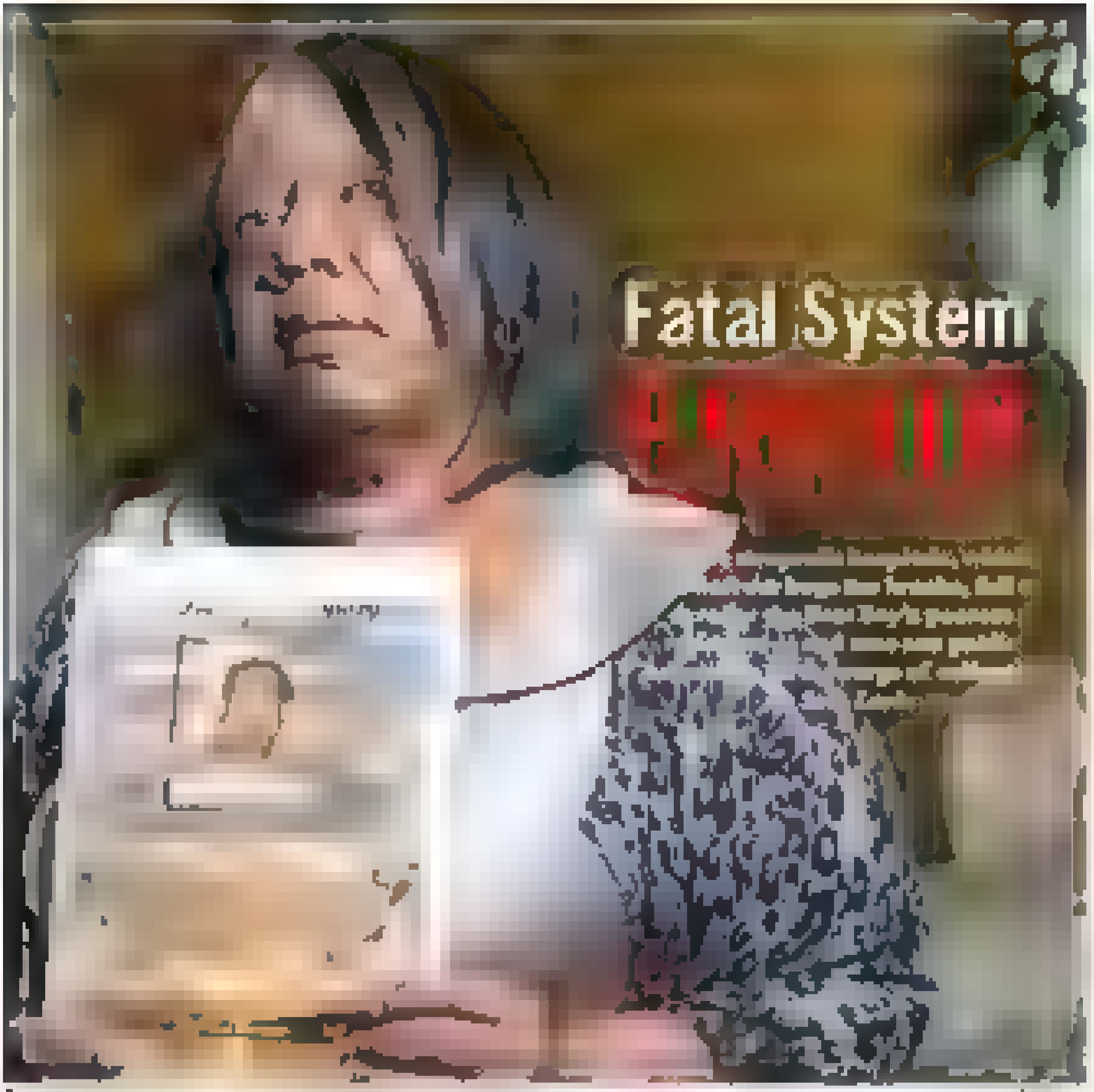

Downtown Oakland
yoga
& bodywork
$75/month
unlimited classes
barefoot
movement


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marionandrose.com

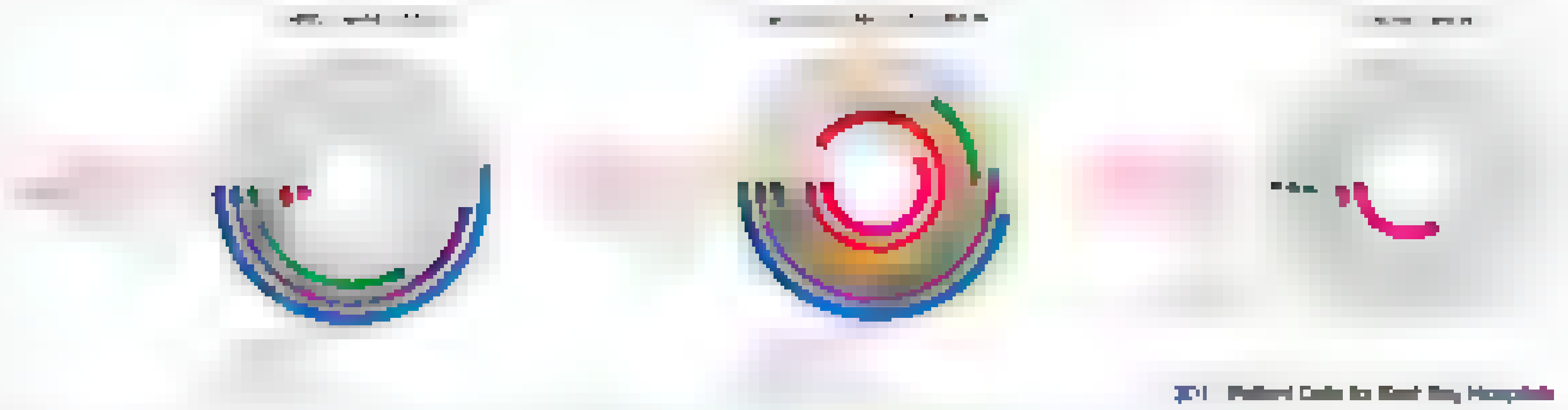


THE CHALLENGE OF 2015: AFFORDABLE HOUSING

Fatal System












just want to say thanks
for another amazing year!
20% OFF
EVERYTHING
rockridge home


What Goes Around
Comes Around - and Around - and
URBAN ORE


Everyone
deserves
a bra that
FITS


rare bird

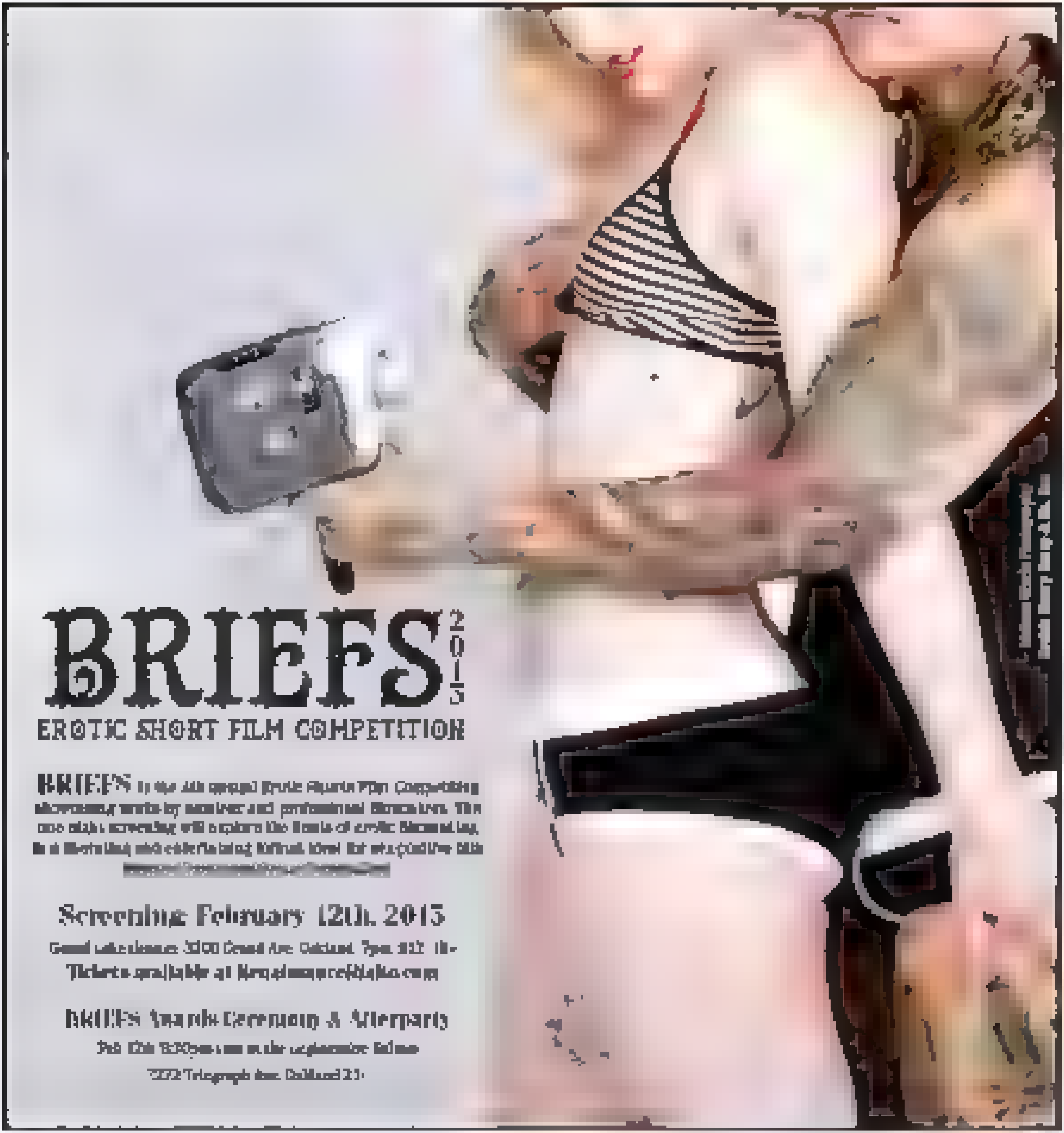

ANGLE


ALEX HARPER


I AM NOT MY MOTHER


An Urban Retreat
in the
Heart of Solano
Enjoy a
complimentary
treatment ritual
with your first
haircut




BRIEFS 2013
EROTIC SHORT FILM COMPETITION
Screening February 12th, 2013
BRIEFS Awards Ceremony & Afterparty



THE GLASS CURTAIN

Community Matters

A local nonprofit resource directory

EAST BAY EXPRESS

Save the Animals





Girls Rock Camp



Community Partners International

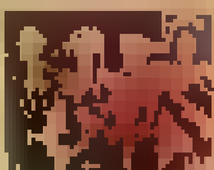


NORML

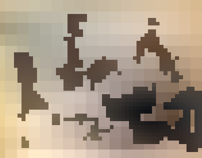




Berkeley Playhouse



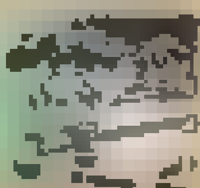
5 Oakland





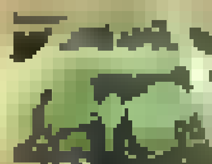


Wild Oakland



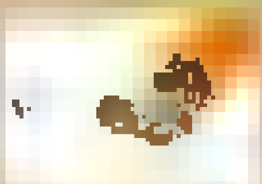
Oakland Dog





Ecology Center

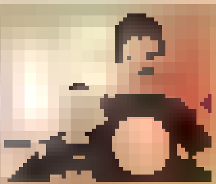






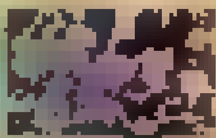






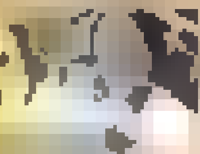








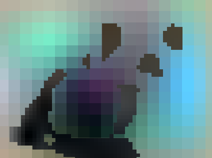


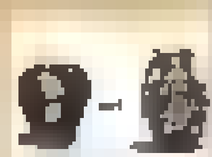


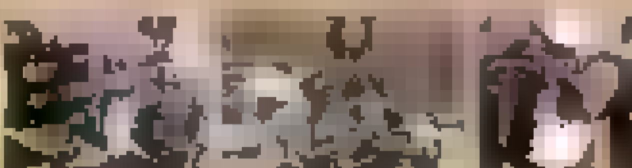




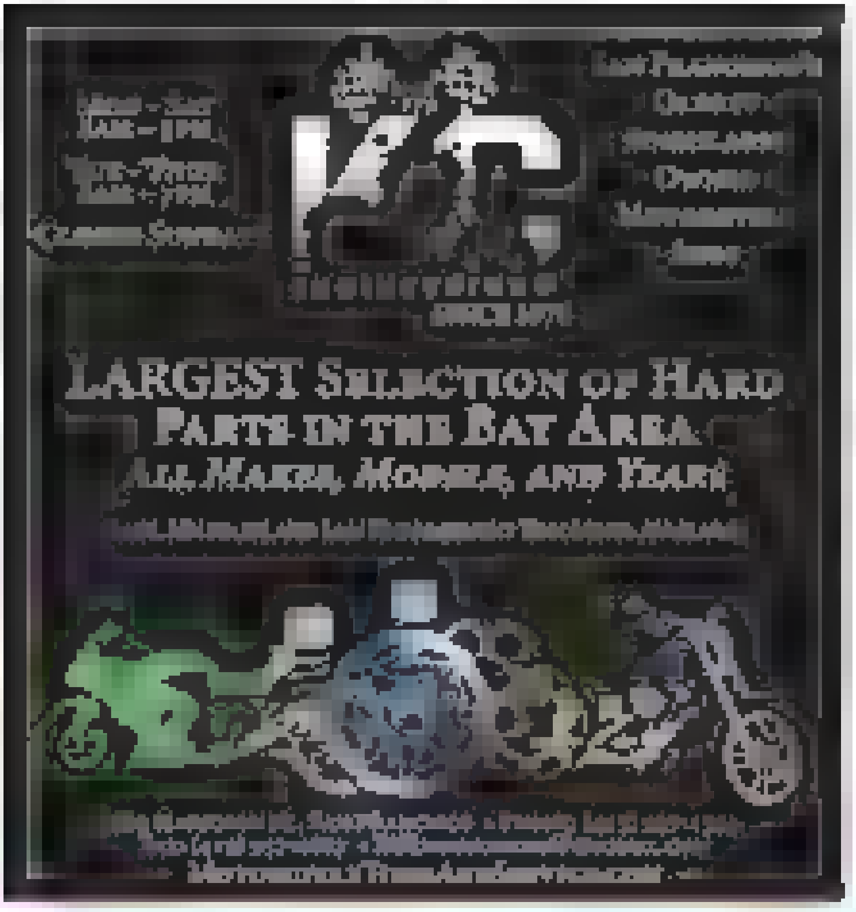














EVENTS & ATTRACTIONS

ATTRACTIONS

[illegible]

FAIRS, FESTIVALS, & FIESTAS

[illegible]

HEALTH, WELLNESS, & SPIRITUALITY

[illegible]

KIDS

[illegible]



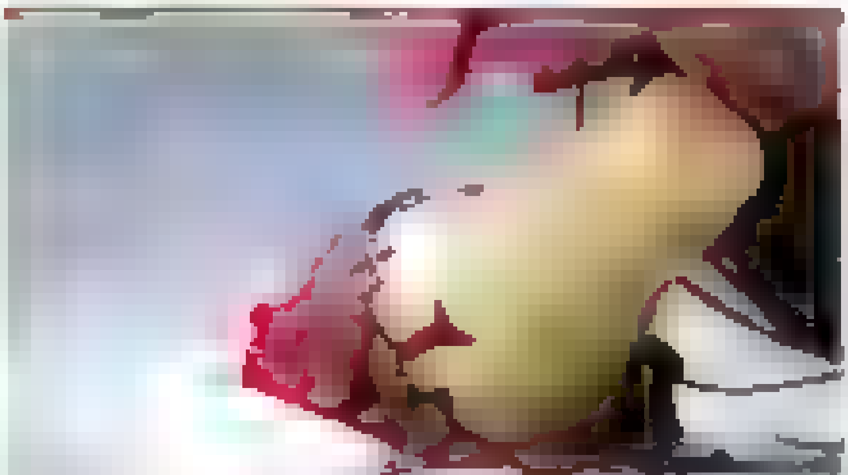
[illegible]

SPORTS & OUTDOORS PARTICIPATORY

SOCIAL EVENTS

MUSEUMS GALLERIES

ART GALLERIES






Fertile Ground





THEATER DANCE

COMEDY

[illegible]

DANCE PERFORMANCE

[illegible]

LIVE VARIETY

[illegible]

THEATER & PERFORMING ARTS

[illegible]



[illegible]

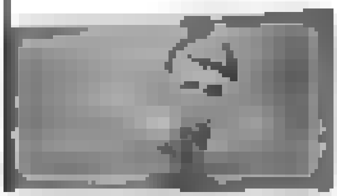
SHUT THE DOOR





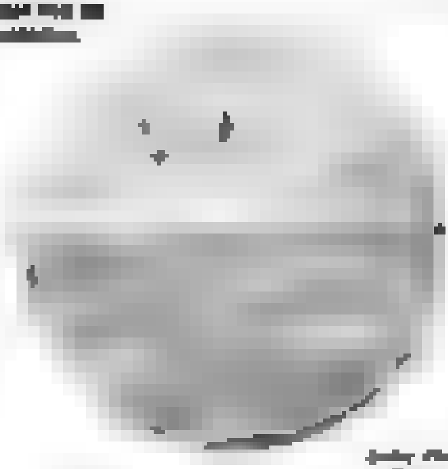
LECTURES LIT

The End of Juvenile Prison



LECTURES

LITERARY EVENTS



PUBLIC INTEREST

SPOKEN WORD



CHINATOWN'S NEW KID ON THE BLOCK

Chili Padi offers Malaysian expats a taste of home. For the rest of us, it's just good eats.

Chili Padi

Sample Menu







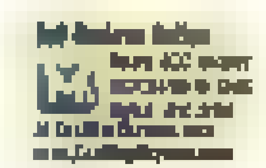






RESTAURANTS & CAFES

Southeast Asian Restaurants in Oakland



Think indie













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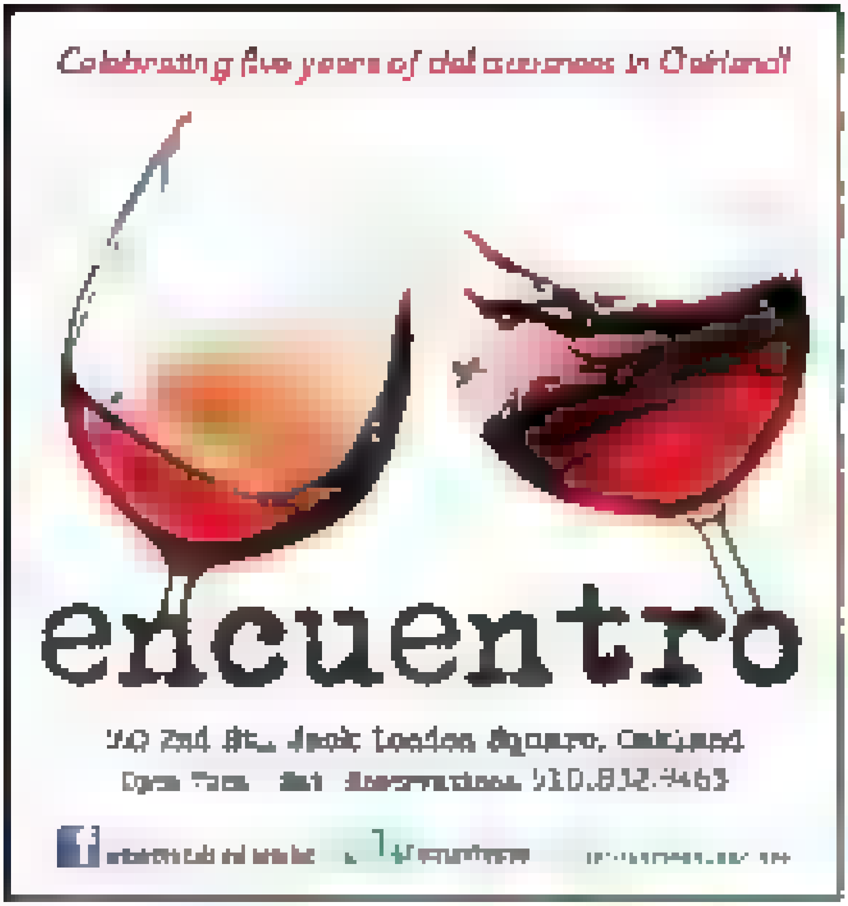

KAMZU
"Best sushi we've had in the Bay Area!"
Open for Lunch & Dinner




EXTREME DELIVERY


Rangoon Super Stars
Weekday
Lunch Special
$10-$12


1026


Celebrating five years of deliciousness in Oakland!
encuentro




ENJOY BRUNCH 7 DAYS A WEEK
LUNCH
THE TERRACE ROOM RESTAURANT & BAR


JOIN US FOR
OUR SUNDAY
BRUNCH!


SHRIMP


HAPPY HOUR
Monday thru Friday
Bar Bites




THE STAR
KITCHEN TO COUCH
The Star
Delivers!

FOOD WINE

CULINARY & WINE

FARMERS' MARKETS

Free Coffee Brewing Demo




Flavor Brigade
Buy one Frozen Custard Get one FREE!


ANNEX BURGER




Piedmont
GROCERY
Serving The Many Tastes Of Our Community
Monday - Saturday 9AM to 8PM
Sunday 9AM to 7PM


WEEKEND SOUL BRUNCH!
Saturdays & Sundays
10:30am 2:30pm
Catfish Benedicts
Shrimp & Grits
Biscuits & Gravy
2221 BROADWAY @ W GRAND

THE MYSTERY OF HISTORY

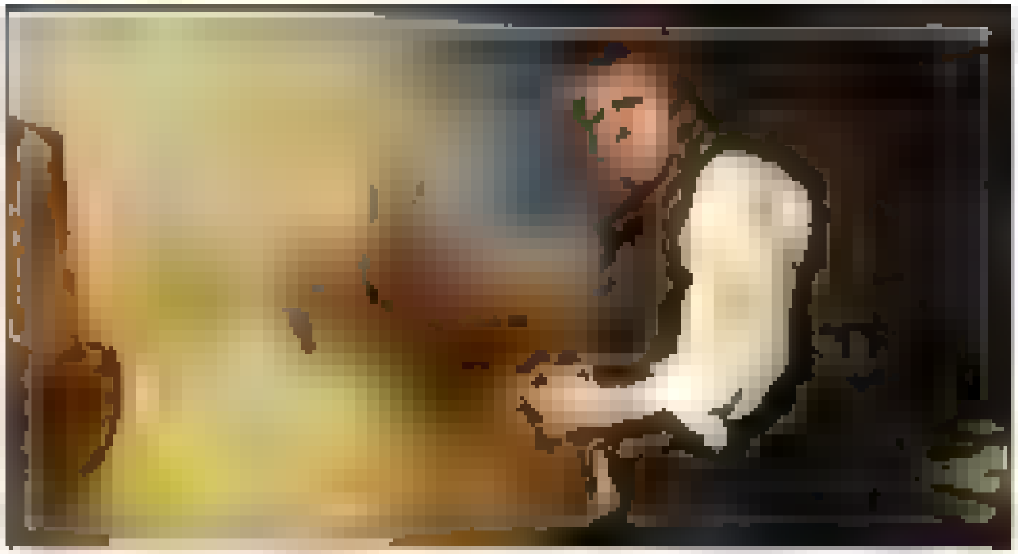


MOVIES THEATERS


4 GOLDEN GLOBE NOMINATIONS
BEST PICTURE
"A TRULY GREAT AMERICAN FILM"
SELMA
OPENS FRIDAY JANUARY 9 EVERYWHERE


BEST PICTURE
FOXCATCHER
NOW PLAYING


"THE BEST FILM OF THE YEAR"
★★★★★
"AN EXTRAORDINARY FILM"
Mr TURNER



ONE-NIGHT SHOWS

THURSDAY, JANUARY 8

FRIDAY, JANUARY 9

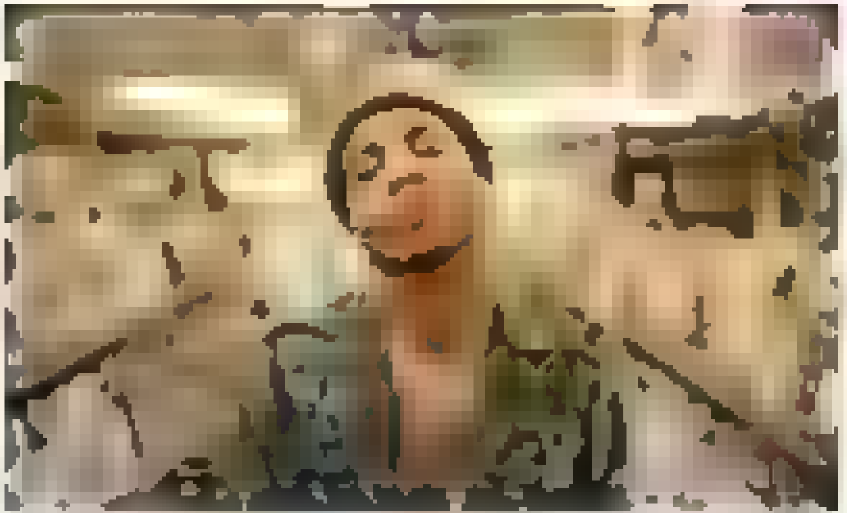
SATURDAY, JANUARY 10

MONDAY, JANUARY 12

TUESDAY, JANUARY 13

WEDNESDAY, JANUARY 14

SHADES OF RAGE













CONCERTS CLUBS

EAST BAY

SAN FRANCISCO

EAST BAY

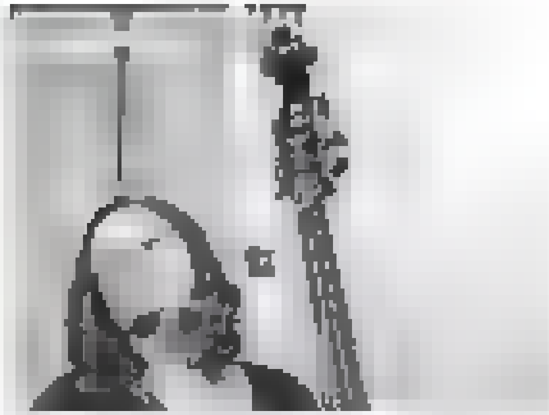
SAN FRANCISCO







RUPA & THE APRIL FISHES
THE NEW PARISH
BRICK & MORTAR
BIG MOUNTAIN
FEAT. JOHN POPPER (BLUES TRAVELER) AND JOHO MANSON
JENNIFER JOHNS
THE SWEET SPOT
LAS CAFETERAS
BASS DRUM OF DEATH
THURS 2/6
TWO GALLANTS
THE LATEST AND GREATEST ADDITION TO UPTOWN'S COCKTAIL AND DJ SCENE
THE ROCK STEADY
BROUGHT TO YOU BY PARISH ENTERTAINMENT GROUP



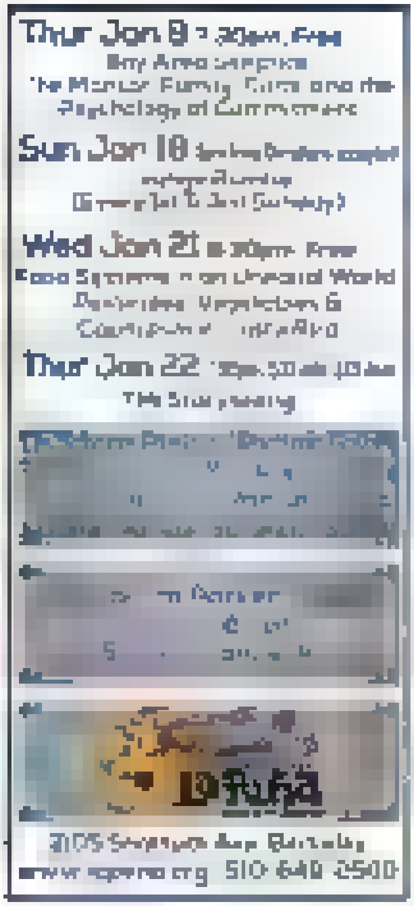
EAST BAY

SAN FRANCISCO



California
WORLD GUITAR SHOW 2015
WEST COAST DOUBLE HEADER









JANUARY 11

EAST BAY

SAN FRANCISCO

JANUARY 12

EAST BAY

SAN FRANCISCO

VENUE DIRECTORY

EAST BAY

SAN FRANCISCO

TUESDAY 13

EAST BAY

WEDNESDAY 14

EAST BAY

SAN FRANCISCO

VENUE DIRECTORY

SAN FRANCISCO

DJ DANCE

EAST BAY

SAN FRANCISCO

EAST BAY

SAN FRANCISCO

EAST BAY

SAN FRANCISCO

EAST BAY

SAN FRANCISCO

EAST BAY

SAN FRANCISCO

EAST BAY

SAN FRANCISCO

FREE WILL ASTROLOGY

Horoscopes for the week of January 6–12.

By Rob Brezsny

Aries (March 21–April 19): In his novel Breakfast of Champions, Kurt Vonnegut describes a character, [illegible], who "had a penis eight hundred miles long and two hundred and ten miles in diameter, but practically all of it was in the fourth dimension." If there is any part of you that metaphorically resembles [illegible], Aries, the coming months will be a favorable time to fix the problem. You finally have sufficient power and wisdom and freedom to start expressing your latent capacities in practical ways, to manifest your hidden beauty in a tangible form, to bring your purely fourth-dimensional aspects all the way into the third dimension.

Taurus (April 20–May 20): Novelist E. L. Doctorow says that the act of writing "is like driving at night in the fog. You can only see as far as your headlights, but you can make the whole trip that way." This modest yet hopeful assessment is true of many challenges, not just writing. The big picture of what you're trying to accomplish is often obscure. You wish you had the comfort of knowing exactly what you'd be doing every step of the way, but it seems that all you're allowed to know is the next step. Every now and then, however, you are blessed with an exception to the rule. Suddenly you get a glimpse of the whole story you're embedded in. It's like you're standing on a mountaintop drinking in the vast view of what lies behind you and before you. I suspect that this is one of those times for you, Taurus.

Gemini (May 21–June 20): Most people have [illegible] items in their closet that they never wear. Is that true for you? Why? Do you think you will eventually come to like them again, even though you don't now? Are you hoping that by keeping them around you can avoid feeling remorse about having wasted money? Do you fantasize that the correct stuff will come back into fashion? In accordance with the astrological omens, Gemini, I invite you to stage an all-out purge. Admit the truth to yourself about what no longer works for you, and get rid of them. While you're at it, why not carry out a similar cleanup in other areas of your life?

Cancer (June 21–July 22): "Nothing was ever created by two men," wrote John Steinbeck in his novel East of Eden. "There are no good collaborations, whether in music, in art, in poetry, in mathematics, in philosophy. Once the miracle of creation has taken place, the group can build and extend it, but the group never invents anything. The preciousness lies in the lonely mind of a man." In my view, this statement is delusional nonsense. And it's especially inapt for you in the coming weeks. In fact, the only success that will have any lasting impact will be the kind that you instigate in tandem with an ally or allies you respect.

Leo (July 23–Aug. 22): I live in Northern California, where an extended drought led to water rationing for much of 2015. But in December, a series of downpours arrived to replenish the parched landscape. New hordes of white wildflowers have erupted along my favorite hiking trails. They're called shepherd's purse. Herbalists say this useful weed can be made into an ointment that eases pain and heals wounds. I'd like to give you a metaphorical version of this good stuff. You could use some support in alleviating the psychic aches and pangs you're feeling. Any ideas about how to get it? Brainstorm. Ask questions. Seek help.



Leo, I'd like to give you a metaphorical version of shepherd's purse's flowers.

Virgo (Aug. 23–Sept. 22): Actress Quvenzhané Wallis's full first name is Quvenzhané. She tells the story about how she wanted to change it when she was a kid. One day she came home and said, "Mommy, can you call me Zazie?" Her mother asked her why, and she said, "Because no one can say Quvenzhané." Mom was quick to respond, "If they can learn to say Tchaikovsky, Schwarzenegger, and Michelangelo, they can learn to say 'Quvenzhané.'" The moral of the story, as far as you're concerned: This is no time to suppress your quirks and idiosyncrasies. That's rarely a good idea, but especially now. Say no to making yourself more generic.

Libra (Sept. 23–Oct. 22): Doug Van Ess leads groups of people in sing-alongs. You don't have to be an accomplished vocalist to be part of his events, but it is crucial that you know the lyrics and melodies to a huge repertoire of songs. He strives to foster a "perfection-free zone." I encourage you to dwell in the midst of your own personal perfection-free zone everywhere you go this week, Libra. You need a break from the pressure to be smooth, sleek, and savvy. You have a poetic license to be innocent, loose, and a bit messy. At least temporarily, allow yourself the deep pleasure of ignoring everyone's expectations and demands.

Scorpio (Oct. 23–Nov. 21): "I dream of lost vocabularies that might express some of what we no longer can," wrote Jack Gilbert in his poem "The Forgotten Dialect of the Heart." Judging from the current astrological omens, I'd say that you are close to accessing some of those lost vocabularies. You're more eloquent than usual. You have an enhanced power to find the right words to describe mysterious feelings and subtle thoughts. As a result of your expanded facility with language, you may be able to grasp truths that have been out of reach before now.

Sagittarius (Nov. 22–Dec. 21): "If you have built castles in the air," said philosopher Henry David Thoreau, "your work need not be lost; that is where they should be. Now put the foundations under them." That may seem like a backward way to approach the building process: starting the top of the structure first, and later the bottom. But I think this approach is more likely to work for you than it is for any other sign of the zodiac. And now is an excellent time to attend to such a task.

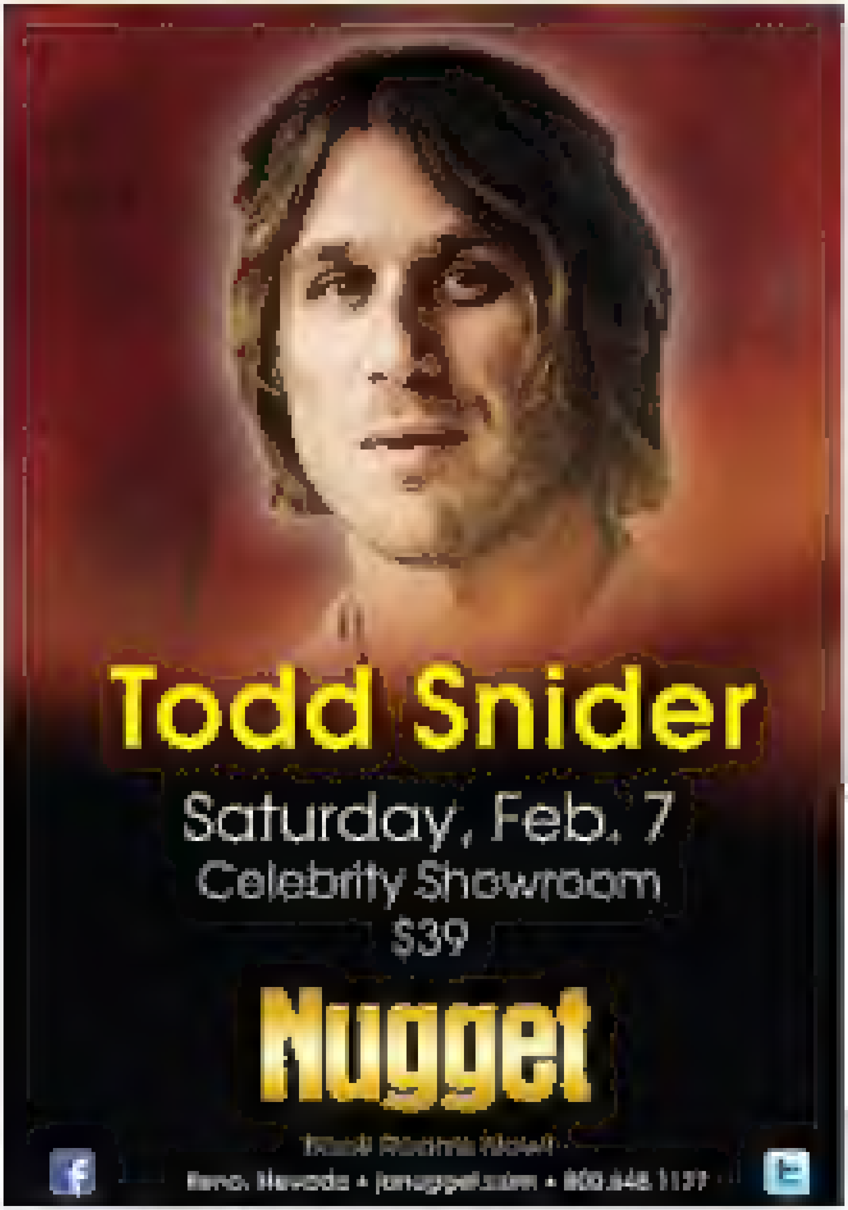
Capricorn (Dec. 22–Jan. 19): Songwriter [illegible] wrote a fanciful poem in which he imagines a smart mockingbird hearing rock 'n' roll music for the first time. *When Mockingbird first heard rock/He cocked his head and stopped/What in the hell is that?/It sounded like [illegible]/Someone was screaming/Someone's banging on garbage cans.* Despite his initial alienation, Mockingbird couldn't drag himself away. He stayed to listen. Soon he was spellbound. His blood pounded and swirled. Next thing you know, Mockingbird and his friends are making raucous music themselves — all for the love of that joyful noise. I foresee a comparable progression for you in the coming weeks, Capricorn. What initially disturbs you may ultimately excite you — maybe even fulfill you.

Aquarius (Jan. 20–Feb. 18): Do you recall the opening scene of Lewis Carroll's story *Alice's Adventures in Wonderland*? Alice is sitting outside on a hot day, feeling bored, when a White Rabbit scurries by. He's wearing a coat and consulting a watch as he talks to himself. She follows him, even when he jumps into a hole in the ground. Her descent takes a long time. On the way down, she passes cupboards and bookshelves and other odd sights. But even before she hits bottom, she makes [illegible] observations and thinks [illegible] about her unexpected trip. Finally she lands safely. As you do your personal equivalent of falling down the rabbit hole, Aquarius, be as poised and calm as Alice. Think of it as an adventure, not a crisis, and an adventure it will be.

Pisces (Feb. 19–March 20): Your [illegible] are positively oceanic these days. You are vast and deep, restless and boundless, moody and unstoppable. As much as it's possible for a human being to be, you are [illegible] and fluid. I wouldn't be surprised if you could communicate telepathically and [illegible] your past lives and observe the invisible world in great detail. I'm tempted to think of you as [illegible] and omniscient, as well as [illegible] and polymorphously [illegible]. Dream big, you crazy wise dreamer.

[illegible] freewillastrology.com.



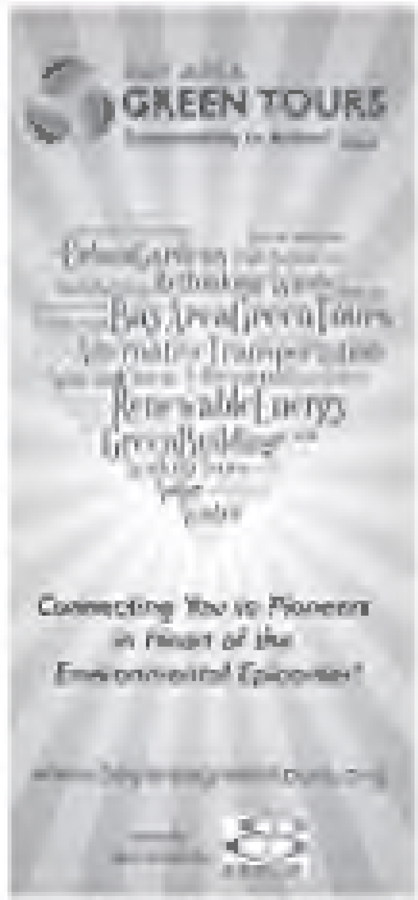


PROGRAMMING NOTES

EAST BAY EXPRESS

Classifieds





Bulletin Board

EAST BAY EXPRESS